

1 JOHN A. VOS
2 1430 LINCOLN
3 SAN RAFAEL, CA 94901
4 (415) 485-5330
5 For myself
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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10

11 In re

12
13 PG&E CORPORATION,
14 PACIFIC GAS & ELECTRIC
Debtors.

15 (Affects both Debtors, maybe)
16

BK Case No.: 19-30088 (DM)

Chapter 11

[Amended]

**RESPONSE AND OPPOSITION TO
OBJECTION TO CLAIM**

Hrg Date/Time/Site: 12/15/20 10:00 am Rm17

17 I, John A. Vos, comes now and informs:

18 **A. Name of Creditor: John A. Vos**

19 **B. Concise Statement of Reasons for Over-Ruling Debtors' Objection:**
20

21 Objector says nothing about WHY it objects to the presumptively valid claim which I
22 have filed (claim #62490 in the sum of \$600.00), stating only that "no liability claims".

23 Worse, the objection is not even support by a declaration under penalty of perjury. The
24 objection is not well based in law nor rules and must be overruled.

25 **PRIMA FACIE VALIDITY OF PROOFS OF CLAIM**

26 "The filing of a proof of claim constitutes *prima facie* evidence of its amount and
27 validity. Fed. R. Bankr. P 3001(f), In re Planet Hollywood International 274 B.R. 391, 394 (D.
28

1 Del 2001), citing In re Allegheny Inter Inc. 954 F. 2d 167, 173 (3rd Cir 1992) thus, pursuant to
2 Rule 3001(f), an objecting debtor has the burden of producing evidence rebutting the prima facie
3 validity of such a claim. Stated otherwise,”[a] party objecting to the claim has the initial burden
4 of presenting a substantial factual basis to overcome the prima facie validity of a proof of claim
5 [and] [t]his evidence must be of a probative force equal to that of the creditor’s proof of claim”
6 In re Hinkley, 58 B.R. 339, 348 (Bankr. S. D Tex 1986), aff’d, 89 B.R. 608, aff’d 879 F.2d 859;
7 see, also In re Lewis 80 B.R. 39, 40 (E.D. Pa. 1987); citing 3 Collier on Bankruptcy ¶ 502.02 at
8 502-22.”

9 “Upon objection, the proof of claim provides some evidence as to its validity and amount
10 and is strong enough to carry over a mere formal objection without more.” Lundell v. Anchor
11 Const. Specialists, Inc. 223 F.3d 1035 (9th Cir 2000) (internal citations omitted). To defeat the
12 claim, the objection must produce sufficient evidence and “show facts tending to defeat the
13 claim by probative force equal to that of the allegations of the proofs of claims themselves”.
14 Wright v. Holm (In re Holm) 931 F.2d 620, 623 (9th cir. 1991)

15 Here, debtor seeks to turn this well-established process on it’s head, seeking to have the
16 Court sustain an objection to a presumptively valid proof of claim merely by saying “it ain’t so”,
17 without any factual rebuttal even offered.

18
19 **THE NECESSARY EVIDENTIARY PROOF TO REBUT A TIMELY FILED**
20 **PROOF OF CLAIM IS WHOLLY ABSENT FROM DEBTOR’S OBJECTION**

21 “Based on Rule 301(f)’s express language, more than conclusory statements denying
22 liability are necessary to rebut the presumption raised by the timely filing of a proof of claim.
23 See In re Brown, 221 B.R. 46,38 (Bankr. S.D. Ga 1998). Indeed, “[t]o overcome this prima facie
24 evidence, the objecting party must come forth with evidence which, if believed, would refute at
25 least one of the allegations essential to the claim” In re Reilly, 245 BR. 768, 773 (B.A.P. 2nd Cir
26 2000).”
27

1 Debtor has provided not one scintilla of evidence that creditor's claim is not valid, other
2 than the naked assertion that there is "no liability". "No liability" is not a factual basis with
3 which to overcome the Prima Facie validity of creditor's claim. "No liability" is an unsupported
4 conclusion that is not sufficient to shift the burden back to creditor.

5 Since Debtors have not provided **any facts** rebutting this presumptively valid claim,
6 claimant asks the Court to **DENY THE OBJECTION TO CLAIM.**

7 **C. Declaration:**

8 The claim remains as stated: PG&E directed that my plumber install a gas line at one
9 location in my property, then later directed that the gas line be moved. The cost of moving the
10 gas line was \$600.00.

11 I, John A. Vos, state and declare under penalty of perjury and under the laws of
12 the State of California and United States of America that the above is true and correct of my own
13 personal knowledge or on information and belief.
14

15 Date: 1 Dec 2020

_____/s/_____
16

John A. Vos, Declarant

17 **D. Name and Address:** John A. Vos, 1430 Lincoln, San Rafael, CA 94901
18 (415) 485-5332

19 **E. Name and Address of Person with Authority:** John A. Vos, 1430 Lincoln,
20 San Rafael, CA 94901 (415) 485-5332

21 Dated: 1 December 2020

_____/s/_____
22

John A. Vos, Esq.

23 Counsel for Claimant John A. Vos
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